

LIMITATION ON PAYMENTS UNDER THIS ACT

SEC. 605. Nothing contained in this Act shall be construed to authorize the making of any payment under this Act, or under any Act amended by this Act, for religious worship or instruction.

Approved April 11, 1965.

Public Law 89-11

April 14, 1965
[S. 307]

AN ACT

Granting the consent of Congress to a compact relating to taxation of motor fuels consumed by interstate buses and to an agreement relating to bus taxation proration and reciprocity.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Motor fuels taxation compact.
Consent of Congress.

SECTION 101. The consent of Congress is hereby given to the States of Maine, Massachusetts, New Hampshire, Pennsylvania, and Maryland, and to the District of Columbia to enter into a compact on taxation of motor fuels consumed by interstate buses. But before any other States, any Province of Canada, or any State or territory or the Federal District of Mexico shall be made a party to such compact, the further consent of Congress shall first be obtained. Such compact shall be in substantially the following form:

“COMPACT ON TAXATION OF MOTOR FUELS
CONSUMED BY INTERSTATE BUSES

“ARTICLE I—PURPOSES

“The purposes of this agreement are to—

“(a) avoid multiple taxation of motor fuels consumed by interstate buses and to assure each State of its fair share of motor fuel taxes;

“(b) establish and facilitate the administration of a criterion of motor fuel taxation for interstate buses which is reasonably related to the use of highway and related facilities and services in each of the party States; and

“(c) encourage the availability of a maximum number of buses for intrastate service by removing motor fuel taxation as a deterrent in the routing of interstate buses.

“ARTICLE II—DEFINITIONS

“(a) State: State shall include the States of the United States, the District of Columbia, the territories of the United States, the Provinces of Canada, and the States, Territories, and Federal District of Mexico.

“(b) Contracting State: Contracting State shall mean a State which is a party to this agreement.

“(c) Administrator: Administrator shall mean the official or agency of a State administering the motor fuel taxes involved.

“(d) Person: Person shall include any individual, firm, copartnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

“(e) Bus: Bus shall mean any motor vehicle of a bus type engaged in the interstate transportation of passengers and subject to the jurisdiction of the Interstate Commerce Commission or any agency successor thereto, or one or more State regulatory agencies concerned with the regulation of passenger transport.

“(f) Gallon: Gallon shall mean the liquid measure containing 231 cubic inches.

“ARTICLE III—GOVERNING PRINCIPLE

“For purposes of this compact, the primary principle for the imposition of motor fuel taxes shall be consumption of such fuel within the State. Motor fuel consumed by buses shall be taxed on the existing basis, as it may be from time to time, and under the procedures for collection of such taxes by each party State, except that to the extent that this compact makes provision therefor, or for any matter connected therewith, such provision shall govern.

“ARTICLE IV—HOW FUEL CONSUMED TO BE ASCERTAINED

“The amount of fuel used in the operation of any bus within this State shall be conclusively presumed to be the number of miles operated by such bus within the State divided by the average mileage per gallon obtained by the bus during the tax period in all operations, whether within or without the party State. Any owner or operator of two or more buses shall calculate average mileage within the meaning of this article by computing single average figures covering all buses owned or operated by him.

“ARTICLE V—IMPOSITION OF TAX

“Every owner or operator of buses shall pay to the party State taxes equivalent to the amount of tax per gallon multiplied by the number of gallons used in its operations in the party State.

“ARTICLE VI—REPORTS

“On or before the last business day of the month following the month being reported upon, each bus owner or operator subject to the payment of fuel taxes pursuant to this compact shall make such reports of its operations as the State administrator of motor fuel taxes may require and shall furnish the State administrator in each other party State wherein his buses operate a copy of such report.

“ARTICLE VII—CREDIT FOR PAYMENT OF FUEL TAXES

“Each bus owner or operator shall be entitled to a credit equivalent to the amount of tax per gallon on all motor fuel purchased by such operator within the party State for use in operations either within or without the party State, and upon which the motor fuel tax imposed by the laws of such party State has been paid.

“ARTICLE VIII—ADDITIONAL TAX OR REFUND

“If the bus owner or operator's monthly report shows a debit balance after taking credit pursuant to article VII, a remittance in such net amount due shall be made with the report. If the report shows a credit balance, after taking credit as herein provided, a refund in such net amount as has been overpaid shall be made by the party State to such owner or operator.

“ARTICLE IX—ENTRY INTO FORCE AND WITHDRAWAL

“This compact shall enter into force when enacted into law by any two States. Thereafter it shall enter into force and become binding upon any State subsequently joining when such State has enacted the compact into law. Withdrawal from the compact shall be by act of the legislature of a party State, but shall not take effect until one year after the Governor of the withdrawing State has notified the Governor of each other party State, in writing, of the withdrawal.

“ARTICLE X—CONSTRUCTION AND SEVERABILITY

“This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating herein, the compact shall remain in full force and effect as to the remaining party States and in full force and effect as to the State affected as to all severable matters.”

Definitions.

SEC. 102. As used in the compact set forth in section 101 with reference to the District of Columbia—

(1) the term “Legislature” shall mean the Congress of the United States; and

(2) the term “Governor” shall mean the Board of Commissioners of the District of Columbia.

SEC. 103. The Board of Commissioners of the District of Columbia shall enter into the compact authorized by section 101 of this title without further action on the part of the Congress, and issue such rules and regulations as may be necessary for the implementation of such compact. Notwithstanding any provision of this Act, nothing herein shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners (other than the entry into a compact authorized by this Act) or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

D.C. Code title
1 app.

D.C. inconsistent
laws.

SEC. 104. All provisions of law applicable to the District of Columbia shall, to the extent they are inconsistent with the compact authorized by this title, be inapplicable to the taxation of buses (as that term is defined in the compact) in the District of Columbia during such time as the District is a party to such compact.

SEC. 105. The right to alter, amend, or repeal this title is expressly reserved.

TITLE II

Bus taxation
proration and reciprocity
compact, consent of Congress.

SEC. 201. The consent of Congress is hereby given to the States of Maine, New Hampshire, Pennsylvania, Maryland, and New York, and to the District of Columbia to enter into a compact providing for bus taxation proration and reciprocity. But before any other State, any Province of Canada, or any State or territory or the Federal District of Mexico shall be made a party to such compact, the further consent of Congress shall first be obtained. Such compact shall be in substantially the following form:

"BUS TAXATION PRORATION AND RECIPROCITY AGREEMENT

"ARTICLE I—PURPOSES AND PRINCIPLES

"SEC. 1. Purposes of agreement: It is the purpose of this agreement to set up a system whereby any contracting State may permit owners of fleets of buses operating in two or more States to prorate the registration of the buses in such fleets in each State in which the fleets operate on the basis of the proportion of miles operated within such State to total fleet miles, as defined herein.

"SEC. 2. Principle of proration of registration: It is hereby declared that in making this agreement the contracting States adhere to the principle that each State should have the freedom to develop the kind of highway user tax structure that it determines to be most appropriate to itself, that the method of taxation of interstate buses should not be a determining factor in developing its user tax structure, and that annual taxes or other taxes of the fixed-fee type upon buses which are not imposed on a basis that reflects the amount of highway use should be apportioned among the States, within the limits of practicality, on the basis of vehicle miles traveled within each of the States.

"ARTICLE II—DEFINITIONS

"(a) State: State shall include the States of the United States, the District of Columbia, the territories of the United States, the Provinces of Canada, and the States, Territories, and Federal District of Mexico.

"(b) Contracting State: Contracting State shall mean a State which is a party to this agreement.

"(c) Administrator: Administrator shall mean the official or agency of a State administering the fee involved, or, in the case of proration of registration, the official or agency of a State administering the proration of registration in that State.

"(d) Person: Person shall include any individual, firm, copartnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

"(e) Base State: Base State shall mean the State from or in which the bus is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled, or also in the case of a fleet bus the State to which it is allocated for registration under statutory requirements. In order that this section may not be used for the purpose of evasion of registration fees, the administrators of the contracting States may make the final decision as to the proper base State, in accordance with article III(h) hereof, to prevent or avoid such evasion.

"(f) Bus: Bus shall mean any motor vehicle of a bus type engaged in the interstate transportation of passengers and subject to the jurisdiction of the Interstate Commerce Commission, or any agency successor thereto, or one or more State regulatory agencies concerned with the regulation of passenger transport.

"(g) Fleet: As to each contracting State, fleet shall include only those buses which actually travel a portion of their total miles in such State. A fleet must include three or more buses.

“(h) Registration: Registration shall mean the registration of a bus and the payment of annual fees and taxes as set forth in or pursuant to the laws of the respective contracting States.

“(i) Proration of registration: Proration of registration shall mean registration of fleets of buses in accordance with article IV of this agreement.

“(j) Reciprocity: Reciprocity shall mean that each contracting State, to the extent provided in this agreement, exempts a bus from registration and registration fees.

“ARTICLE III—GENERAL PROVISIONS

“(a) Effect on other agreements, arrangements, and understandings: On and after its effective date, this agreement shall supersede any reciprocal or other agreement, arrangement, or understanding between any two or more of the contracting States covering, in whole or in part, any of the matters covered by this agreement; but this agreement shall not affect any reciprocal or other agreement, arrangement, or understanding between a contracting State and a State or States not party to this agreement.

“(b) Applicability to exempt vehicles: This agreement shall not require registration in a contracting State of any vehicles which are in whole or part exempt from registration under the laws or regulations of such State without respect to this agreement.

“(c) Inapplicability to caravanned vehicles: The benefits and privileges of this agreement shall not be extended to a vehicle operated on its own wheels, or in tow of a motor vehicle, transported for the purpose of selling or offering the same for sale to or by any agent, dealer, purchaser, or prospective purchaser.

“(d) Other fees and taxes: This agreement does not waive any fees or taxes charged or levied by any State in connection with the ownership or operation of vehicles other than registration fees as defined herein. All other fees and taxes shall be paid to each State in accordance with the laws thereof.

“(e) Statutory vehicle regulations: This agreement shall not authorize the operation of a vehicle in any contracting State contrary to the laws or regulations thereof, except those pertaining to registration and payment of fees; and with respect to such laws or regulations, only to the extent provided in this agreement.

“(f) Violations: Each contracting State reserves the right to withdraw, by order of the administrator thereof, all or any part of the benefits or privileges granted pursuant to this agreement from the owner of any vehicle or fleet of vehicles operated in violation of any provision of this agreement. The administrator shall immediately give notice of any such violation and withdrawal of any such benefits or privileges to the administrator of each other contracting State in which vehicles of such owner are operated.

“(g) Cooperation: The administrator of each of the contracting States shall cooperate with the administrators of the others and each contracting State hereby agrees to furnish such aid and assistance to each other within its statutory authority as will aid in the proper enforcement of this agreement.

“(h) Interpretation: In any dispute between or among contracting States arising under this agreement, the final decision regarding interpretation of questions at issue relating to this agreement shall be reached by joint action of the contracting States, acting through the administrator thereof, and shall upon determination be placed in writing.

"(i) Effect of headings: Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or part hereof.

"(j) Entry into force: This agreement shall enter into force and become binding between and among the contracting States when enacted or otherwise entered into by any two States. Thereafter, it shall enter into force and become binding with respect to any State when enacted into law by such State. If the statutes of any State so authorize or provide, such State may become party to this agreement upon the execution thereof by an executive or administrative official thereof acting on behalf of and for such State.

"ARTICLE IV—PRORATION OF REGISTRATION

"(a) Applicability: Any owner of a fleet may register the buses of said fleet in any contracting State by paying to said State total registration fees in an amount equal to that obtained by applying the proportion of in-State fleet miles divided by the total fleet miles, to the total fees which would otherwise be required for regular registration of each of all such vehicles in such contracting State.

"All fleet pro rata registration fees shall be based upon the mileage proportions of the fleet during the period of twelve months ending on August 31 next preceding the commencement of the registration year for which registration is sought: Except, that mileage proportions for a fleet not operated during such period in the State where application for registration is made will be determined by the Administrator upon the sworn application of the applicant showing the operations during such period in other States and the estimated operations during the registration year for which registration is sought, in the State in which application is being made; or if no operations were conducted during such period a full statement of the proposed method of operation. Registration year.

"If any buses operate in two or more States which permit the proration of registration on the basis of a fleet of buses consisting of a lesser number of vehicles than provided in article II(g), such fleet may be prorated as to registration in such States, in which event the buses in such fleet shall not be required to register in any other contracting States if each such vehicle is registered in some contracting State (except to the extent it is exempt from registration as provided in article III(b)).

"If the administrator of any State determines, based on his method of the operation thereof, that the inclusion of a bus or buses as a part of a fleet would adversely affect the proper fleet fee which should be paid to his State, having due regard for fairness and equity, he may refuse to permit any or all of such buses to be included in his State as a part of such fleet. Limitation of buses within a State.

"(b) Total fleet miles: Total fleet miles, with respect to each contracting State, shall mean the total miles operated by the fleet (1) in such State, (2) in all other contracting States, (3) in other States having proportional registration provisions, (4) in States with which such contracting State has reciprocity, and (5) in such other States as the administrator determines should be included under the circumstances in order to protect or promote the interest of his State; except that in States having laws requiring proration on the basis of a different determination of total fleet miles, total fleet miles shall be determined on such basis.

“(c) Leased vehicles: If a bus is operated by a person other than the owner as a part of a fleet which is subject to the provisions of this article, then the operator of such fleet shall be deemed to be the owner of said bus for the purposes of this article.

“(d) Extent of privileges: Upon the registration of a fleet in a contracting State pursuant to this article, each bus in the fleet may be operated in both interstate and intrastate operations in such State (except as provided in article III(e)).

“(e) Application for proration: The application for proration of registration shall be made in each contracting State upon substantially the application forms and supplements authorized by joint action of the administrators of the contracting States.

“(f) Issuance of identification: Upon registration of a fleet, the State which is the base State of a particular bus of the fleet shall issue the required license plates and registration card for such bus and each contracting State in which the fleet of which such bus is a part operates shall issue a special identification identifying such bus as a part of a fleet which has fully complied with the registration requirements of such State. The required license plates, registration cards, and identification shall be appropriately displayed in the manner required by or pursuant to the laws of each respective State.

“(g) Additions to fleet: If any bus is added to a prorated fleet after the filing of the original application, the owner shall file a supplemental application. The owner shall register such bus in each contracting State in like manner as provided for buses listed in an original application and the registration fee payable shall be determined on the mileage proportion used to determine the registration fees payable for buses registered under the original application.

“(h) Withdrawals from fleet: If any bus is withdrawn from a prorated fleet during the period for which it is registered or identified, the owner shall notify the administrator of each State in which it is registered or identified of such withdrawal and shall return the plates and registration card or identification as may be required by or pursuant to the laws of the respective States.

“(i) Audits: The Administrator of each contracting State shall, within the statutory authority of such administrator, make any information obtained upon an audit of records of any applicant for proration of registration available to the administrators of the other contracting States.

“(j) Errors in registration: If it is determined by the administrator of a contracting State, as a result of such audits or otherwise, that an improper fee has been paid his State, or errors in registration found, the administrator may require the fleet owner to make the necessary corrections in the registration of his fleet and payment of fees.

“ARTICLE V—RECIPROCITY

“(a) Grant of reciprocity: Each of the contracting States grants reciprocity as provided in this article.

“(b) Applicability: The provisions of this agreement with respect to reciprocity shall apply only to a bus properly registered in the base State of the bus, which State must be a contracting State.

“(c) Nonapplicability to fleet buses: The reciprocity granted pursuant to this article shall not apply to a bus which is entitled to be registered or identified as part of a prorated fleet.

“(d) Extent of reciprocity: The reciprocity granted pursuant to this article shall permit the interstate operation of a bus and intra-

state operation which is incidental to a trip of such bus involving interstate operation.

“(e) Other agreements: Nothing in this agreement shall be construed to prohibit any of the contracting States from entering into separate agreements with each other for the granting of temporary permits for the intrastate operation of vehicles registered in the other State; nor to prevent any of the contracting States from entering into agreements to grant reciprocity for intrastate operation within any zone or zones agreed upon by the States.

“ARTICLE VI—WITHDRAWAL OR REVOCATION

“Any contracting State may withdraw from this agreement upon thirty days’ written notice to each other contracting State, which notice shall be given only after the repeal of this agreement by the legislature of such State, if adoption was by legislative act, or after renunciation by the appropriate administrative official of such contracting State if the laws thereof empower him so to renounce.

“ARTICLE VII—CONSTRUCTION AND SEVERABILITY

“This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating herein, the compact shall remain in full force and effect as to the remaining party States and in full force and effect as to the State affected as to all severable matters.”

SEC. 202. The Board of Commissioners of the District of Columbia shall have the power to make such exemptions from the coverage of the agreement as may be appropriate and to make such changes in methods for the reporting of any information required to be furnished to the District of Columbia pursuant to the agreement as, in its judgment, shall be suitable: *Provided*, That any such exemptions or changes shall not be contrary to the purposes set forth in article I of the agreement and shall be made in order to permit the continuance of uniformity of practice among the contracting States with respect to buses.

SEC. 203. The Board of Commissioners of the District of Columbia shall enter into the agreement authorized by section 201 of this title without further action on the part of the Congress, and issue such rules and regulations as may be necessary for the implementation of such agreement. Notwithstanding any provision of this Act, nothing herein shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners (other than the entry into a compact authorized by this Act) or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

SEC. 204. All provisions of law applicable to the District of Columbia shall, to the extent they are inconsistent with the agreement

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authorized by this title, be inapplicable to the taxation and registration of buses in the District of Columbia during such time as the District is a party to such agreement.

D.C.
Notice of withdrawal by Commissioners.

SEC. 205. Unless otherwise provided in any statute withdrawing the District of Columbia from participation in the agreement, the Board of Commissioners of the District of Columbia shall be the officer to give notice of withdrawal therefrom.

SEC. 206. The right to alter, amend, or repeal this title is expressly reserved.

Approved April 14, 1965.

Public Law 89-12

AN ACT

April 16, 1965
[H. R. 5721]

To amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes.

Tobacco.
Marketing
quotas.
52 Stat. 31.
7 USC 1281.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", is amended by adding immediately following section 316 a section 317 to read as follows:

"ACREAGE-POUNDAGE QUOTAS

Definitions.

"SEC. 317. (a) For purposes of this section—

"(1) 'National marketing quota' for any kind of tobacco for a marketing year means the amount of the kind of tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 per centum of such estimated utilization and exports.

"(2) 'National average yield goal' for any kind of tobacco means the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant.

"(3) 'National acreage allotment' means the acreage determined by dividing the national marketing quota by the national average yield goal.

"(4) 'Farm acreage allotment' for a tobacco farm, other than a new tobacco farm, means the acreage allotment determined by adjusting uniformly the acreage allotment established for such farm for the immediately preceding year, prior to any increase or decrease in such allotment due to undermarketings or overmarketings and prior to any reduction under subsection (f), so that the total of all allotments is equal to the national acreage allotment less the reserve provided in subsection (e) of this section with a further downward or upward adjustment to reflect any adjustment in the farm marketing quota for overmarketing or undermarketing and to reflect any reduction required under subsection (f) of this section, and including any adjustment for